IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WA.No. 376 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.3469/2007 Dated 13/02/2007

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APPELLANT: PETITIONER

ADV.G.SUBODHAN, MEMBER,
BOARD OF DIRECTORS, DISTRICT CO-OPERATIVE BANK,
THIRUVANANTHAPURAM.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS/RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

BY ADV. SRI.P.N.MOHANAN
SRI.P.V.BABY
SRI.A.N.SANTHOSH
BY A.G. SRI. C.P. SUDHAKARA PRASAD.
SPL. GOVERNMENT PLEADER SMT. A.G. ANEETHA.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN, AG.C.J. & M.N. KRISHNAN,J.

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W.A. NO. 376 OF 2007

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Dated this the 28th day of March, 2007.

J U D G M E N T

Radhakrishnan, Ag.C.J.

This appeal is preferred against the judgment of the learned Single Judge in W.P.C.3469/07. Learned counsel for the writ petitioner submits that the appellant/petitioner may be permitted to avail of the remedy available under Section 83(1)(j) of the Co-operative Societies Act. Counsel also tried to establish that there is no default on his part so as to disqualify him under Section 46(e) of the Kerala Co-operative Societies Rules, 1969 and therefore the notice issued is liable to be quashed.

2. We have heard the learned Advocate General who supported the order passed by the Registrar. A counter was filed on behalf of the 2nd respondent. The learned counsel for the appellant has also made available a circular issued by the

NABARD. Learned Advocate General submitted there is no exemption provided to those societies in default who have violated the terms and conditions of the NABARD or the R.B.I. We feel that these matters are to be examined by the Government and since the petitioner has got an appellate remedy we are disposing this writ appeal enabling the appellant to file an appeal within two weeks from today. The Appellate Authority will dispose of the matter after hearing the affected parties, till final orders are passed by the Government as directed above, the interim order passed by this Court will continue. It is made clear that we have not expressed any opinion on the various contentions raised by the parties before us.

The writ appeal is disposed of with the above observation.

K.S. RADHAKRISHNAN,
ACTING CHIEF JUSTICE.

M.N. KRISHNAN, JUDGE.

ul/-